

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**COMCAST CABLE  
COMMUNICATIONS, LLC, TV WORKS,  
LLC, and COMCAST MO GROUP, INC.,  
Plaintiffs,**

**v.**

**SPRINT COMMUNICATIONS  
COMPANY, LP, SPRINT SPECTRUM,  
LP, and NEXTEL OPERATIONS, INC.,  
Defendants.**

**CIVIL ACTION**

**NO. 12-859**

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**SPRINT COMMUNICATIONS  
COMPANY, LP, and SPRINT  
SPECTRUM, LP,  
Counterclaim-Plaintiffs,**

**v.**

**COMCAST CABLE  
COMMUNICATIONS, LLC, COMCAST  
IP PHONE, LLC, COMCAST BUSINESS  
COMMUNICATIONS, LLC, and  
COMCAST CABLE COMMUNICATIONS  
MANAGEMENT, LLC,  
Counterclaim-Defendants.**

**ORDER**

**AND NOW**, this 8th day of November, 2016, upon consideration of Sprint's Motion *in Limine* of Dr. Robert Akl and Motion for Summary Judgment of Non-Infringement Regarding Sprint's Non-Syniverse Messaging Servers (Doc. No. 322, filed October 12, 2016), and Comcast's Memorandum in Opposition to Sprint's Motions *in Limine* and for Summary Judgment (Doc. No. 328, filed October 21, 2016), for the reasons set forth in the accompanying Memorandum dated November 8, 2016, **IT IS ORDERED**, as follows:

1. Sprint's Motion *in Limine* of Dr. Akl is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. That part of Sprint's Motion that seeks to exclude Dr. Robert Akl's opinions that rely on Comcast's construction of the term cellular network is **GRANTED**;

b. That part of Sprint's Motion that seeks to exclude all of Dr. Akl's opinions as to infringement of Sprint's non-Syniverse servers is **DENIED**. Dr. Akl may provide opinions at trial as to infringement of Sprint's non-Syniverse servers which are not based on Comcast's rejected construction of the term cellular network and which do not contradict the Court's construction of that term;

c. The ruling on Sprint's Motion *in Limine* is **WITHOUT PREJUDICE** to Sprint's right to object at trial to any testimony or other evidence provided by Dr. Akl which does not comply with the attached Memorandum.

2. Sprint's Motion for Summary Judgment is **DENIED**.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**